

This is the first office action for application number 10/598,829, Securing Elements to Pipes or Tubes, filed on September 12, 2006.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "209". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informality: on page 6, line 14, "8" appears to be incorrect and should be --18--.

Appropriate correction is required.

***Claim Objections***

Claims 1 and 11 are objected to because of the following informalities: in claim 1, line 1, a comma should be inserted after "element" to clearly separate the claimed subject matter from the intended use subject matter, in line 3, "an" before "elongate"

should be changed to --the--, and also in line 3 the phrase "adjacent to an elongate element said parts when in..." is grammatically incorrect; and in claim 11, line 2, "an" should be changed to --the-- or --said--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "the or at least one said wedge formation" in line 2 of claim 8 and bridging lines 1 and 2 of claim 13 is ambiguous.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,994,973 to Whalan et al., hereinafter, Whalan, in view of U.S. Patent 5,743,498 to Kampf. Whalan discloses a securing device for securing items (40), the securing device comprising: a first part (11) and a second part (33) positionable in co-operating engagement with each other and adjacent to the elongate element; a cable support means for supporting cables; at least one of the parts having a

plurality of fingers (alternating with recesses 20) shaped and positioned to retain cables between adjacent fingers; wherein the fingers are spaced apart in the longitudinal direction; and wherein the fingers are integrally formed on the part.

Whalen discloses the claimed invention except for the limitations of the parts being movable relative to each other in a longitudinal direction of the element and the longitudinal direction generates lateral relative movement towards each other and the first and second parts having inclined surfaces. Kampf teaches a securing device (11) for clamping to an elongate element (10), the device having a first part (15), a second part (14), the first and second parts positionable in co-operating engagement with each other and adjacent the elongate element, when in engagement with each other, the parts are movable relative to each other in a longitudinal direction of the element, the parts being shaped so that relative movement of the parts in the longitudinal direction generates lateral relative movement of the parts towards each other so that the elongate member is gripped between the parts; wherein the first and second parts in combination when co-operatively engaged with each other surround the elongate element; wherein the first part has an inclined surface (see Fig. 3) that in co-operating engagement between the first and second parts contacts the second part and that is inclined relative to the longitudinal direction so that during the relative movement of the parts, the first and second parts are drawn together to grip the elongate member; wherein the inclined surface of the first part contacts an inclined surface of the second part during the relative longitudinal movement of the parts, the inclined surfaces slide on each other; wherein the inclined surface of the first part is a surface of a wedge

formation (16) on the first part; wherein the wedge formation is received in a recess of the second part; wherein the wedge formation is one of two such wedge formations; wherein the wedge formation in use projects outwardly of the elongate element; wherein the securing device in use grips the elongate element of a circular cross-section, and the two inclined surfaces are at least approximately diametrically opposed to each other; wherein at least one of the first and second parts has a shaped surfaces that when the securing device is in use, conformingly abuts an external surface of the elongate element; and wherein the at least one shaped surface is part-cylindrical in shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the parts in Whalan to have included the parts as taught by Kampf for the purpose of providing an alternative and mechanically equivalent means for mounting the securing device on an elongate element.

Whalan in view of Kampf inherently teach the method of claims 21 and 22 including the respective steps in view of the limitations cited above.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,191,782 to Valene

U.S. Patent 2,625,354 to Smith

U.S. Patent 6,193,436 to Ellis

U.S. Patent 6,408,492 to Sparks et al.

U.S. Patent 6,517,032 to Gretz

U.S. Patent 7,131,792 to Doverspike

Valane discloses a securing device having a means for supporting the device on an elongate element and a means for supporting an item. Smith discloses a clamp having two wedge parts. Ellis discloses a locking system for supporting an element. Sparks et al. disclose a holder for attaching elongated articles to a cylindrical element. Gretz discloses a locking U-shaped cable support that is attachable to an elongate element. Doverspike discloses an apparatus for supporting and aligning one or more conduits in predetermined relation to an elongate element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita M. King/  
Primary Examiner, Art Unit 3632

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